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Kenji Suzuki

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EXAMINER

MULLIS, JEFFREY C

ART UNIT

PAPER NUMBER

1796

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

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Art Unit: 1796

Applicants imply that there is excessive picking and choosing and combining disclosures to arrive at applicants invention based on Toshinori. Firstly the amount of oil taught by Toshinori is required to be within the metes and bounds of the claims and it is not possible to select amounts outside the claims based on the patent. With regard to applicants "A" block all that is needed is to select for instance o-methylstyrene or one of the other several ring alkylated styrenes of patentees' since patentees discloses that these may be used. Applicants amount of such monomer of 1% or greater reads on 100% so mere selection of any one of these several monomers will meet the limitation of the claims (although there is insufficient suggestion to use mixtures in combination with applicants other limitations as in claim 6 which is accordingly allowable over the prior art). With regard to applicants' ratio of W_b/W_a , i.e. the ratio of block copolymer to resin, applicants ratio of 0.5 reads on patentees ratio of 5/95 and therefore there is not even the necessity of selecting within a disclosed range to arrive at applicants limitation. With regard to the limitation "sea island" patentees block copolymer is disclosed to act as a compatibilizer and such materials are recognized by those skilled in the art to act as dispersants, ie capable of creating a disperse phase in a continuous matrix such as reads on "sea island" morphology. Effective compatibilization by block copolymers in fact is recognized to result from dispersion of incompatible materials as as small as domains as possible. There is therefore little issue of picking ad choosing from various disclosures with regard to the above limitations. With regard to use of applicants resins admittedly there are a number of choices besides polymethylemethacrylate homopolymers although such choosing is not so extensive as to render the claims non

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obvious. The differences between the patent and the claims are therefore not nearly as great as applicants allege and therefore applicants characteristic reasonably appear to be inherent but in any case Dekking provides motivation to produce materials with the disclosed advantage of high abrasion resistance. It is immaterial that applicants specification teaches the achievement of high abrasion resistance without resort to use of fillers since the instant claims do not exclude such. Polymethylmethacrylate is known in the art to generally be transparent and those skilled in the art would assume that patentees PMMA compositions would be also.

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

JCM

10-29-09

/Jeffrey C. Mullis/

Primary Examiner, Art Unit 1796